



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/170,221      | 10/13/1998  | WILLIAM LO           | 50100-463           | 6559             |

20277 7590 07/03/2003  
MCDERMOTT WILL & EMERY  
600 13TH STREET, N.W.  
WASHINGTON, DC 20005-3096

EXAMINER

BURD, KEVIN MICHAEL

ART UNIT PAPER NUMBER

2631

18

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/170,221

Applicant(s)

LO, WILLIAM

Examiner

Kevin M Burd

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 08 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 7,9-11,16,18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 7,9-11,16,18 and 19 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This office action, in response to the amendment filed 5/8/2003, is a non-final office action.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 7, 9-11, 16, 18 and 19 have been considered but are moot in view of the new grounds of rejection.

#### ***Drawings***

3. The drawings are objected to because the labels of the elements in figure 4 are illegible. Correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo et al (US 5,850,515) in view of Chou (US 5,850,526).

Regarding claim 7, Lo discloses a repeater, having a plurality of ports, receiving a data packet. The data packet includes a source address (column 10, lines 1-2). The source address is compared to at least one of the plurality of end station addresses (column 10, lines 3-6). The port with the proper address information will transmit the data from the repeater to the end station. This port will be enabled by an enable signal (column 7, lines 37-48). Repeater ports with the incorrect end station address will be disabled by the enable signal (column 7, lines 37-48 and column 10, lines 7-11). Each repeater port receives the enable/disable signal (column 7, lines 37-48) and all enabled ports corrupt the re-transmission of the data packet (column 10, lines 22-26). The corrupted data can be sent in place of the normal received packet (column 8, line 55 to column 9, line 2). In addition to disabling of the repeater port, the disabling step further includes the step of corrupting the re-transmission of the data packet from any other ports when the source address does not match the end station address (column 10, lines 22-26). Therefore, the transmission of corrupted signals or error signals is enabled. Lo does not specifically state a physical layer transmitter transmits the data however Chou (US 5,850,526) states a LAN station has a physical layer making a physical connection to a medium connected to other LAN stations. The physical layer drives the compressed data packet from the LAN station onto the medium in a serial fashion (column 3, lines 57-63 and figure 2). Lo discloses the repeater communication takes place in a LAN transmitting packet data. It would have been obvious for one of

ordinary skill in the art at the time of the invention that Lo transmits data through a physical layer since the physical layer connects the LAN components to the transmission medium as described by Chou.

Regarding claim 9, prior to transmitting, it is determined if the port is enabled or disabled and if the packet to be transmitted is corrupted as stated above.

Regarding claim 10, prior to transmitting, it is determined if the port is enabled or disabled and if the packet to be transmitted is corrupted as stated above. While this determination is taking place, the port is idle, in that the port is not transmitting.

Regarding claim 11, the data to be transmitted will be either a corrupted data packet pattern or an uncorrupted data packet pattern.

5. Claims 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo et al (US 5,850,515) in view of Chou (US 5,850,526) further in view of Lo et al (US 5,940,392).

Regarding claim 16, Lo discloses a repeater, having a plurality of ports, and receiving a data packet. The data packet includes a source address (column 10, lines 1-2). The source address is compared to at least one of the plurality of end station addresses (column 10, lines 3-6). The port with the proper address information will transmit the data from the repeater to the end station. This port will be enabled by an enable signal (column 7, lines 37-48). Repeater ports with the incorrect end station address will be disabled by the enable signal (column 7, lines 37-48 and column 10, lines 7-11). Each repeater port receives the enable/disable signal (column 7, lines 37-

48) and all enabled ports corrupt the re-transmission of the data packet (column 10, lines 22-26). The corrupted data can be sent in place of the normal received packet (column 8, line 55 to column 9, line 2). In addition to disabling of the repeater port, the disabling step further includes the step of corrupting the re-transmission of the data packet from any other ports when the source address does not match the end station address (column 10, lines 22-26). Therefore, the transmission of corrupted signals or error signals is enabled. Lo does not specifically state a physical layer transmitter transmits the data however Chou (US 5,850,526) states a LAN station has a physical layer making a physical connection to a medium connected to other LAN stations. The physical layer drives the compressed data packet from the LAN station onto the medium in a serial fashion (column 3, lines 57-63 and figure 2). Lo discloses the repeater communication takes place in a LAN transmitting packet data. It would have been obvious for one of ordinary skill in the art at the time of the invention that Lo transmits data through a physical layer since the physical layer connects the LAN components to the transmission medium as described by Chou. The combination of Lo and Chou does not disclose a table for identifying each network node by its corresponding destination address and the corresponding repeater port. Lo et al (US 5,940,392) discloses individual destination addresses associated with each repeater port are stored in a content addressable memory (abstract). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the memory storing the addresses associated with repeater ports as stated in US 5,940,392 with the system of the combination of Lo (US 5,850,515) and Chou to allow the easy access to the address

information for the comparison of the source address and the end station address to take place in less time.

Regarding claim 18, each repeater port receives the enable/disable signal (column 7, lines 37-48) and all enabled ports corrupt the re-transmission of the data packet (column 10, lines 22-26). The corrupted data can be sent in place of the normal received packet (column 8, line 55 to column 9, line 2).

Regarding claim 19, prior to transmitting, it is determined if the port is enabled or disabled and if the packet to be transmitted is corrupted as stated above.

#### ***Contact Information***

**Any response to this non-final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE" or for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Burd, whose telephone number is (703) 308-7034. The Examiner can normally be reached on Monday-Thursday from 9:00 AM - 5:00 PM. The examiner can also be reached on alternate Friday.

Application/Control Number: 09/170,221

Page 7

Art Unit: 2631

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Kevin M. Burd  
PATENT EXAMINER  
7/2/03